

REMARKS

This Amendment is responsive to the Office Action dated May 10, 2005. Claims 1-20 were pending in the application. In the Office Action, claims 1-20 were rejected. In this Amendment, claims 1, 9 and 17 were amended. Claims 1-20 thus remain for consideration.

Applicant submits that claims 1-20 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§§ 102 and 103 Rejections

Claims 1-14 and 16-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikawa et al. (Pub. No. 2004/0034464).

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (Pub. No. 2004/0034464) in view of Le et al. (Pub. No. 2004/0236498).

Applicant submits that the independent claims (Claims 1, 9 and 17) are patentable over Yoshikawa and Le – taken either alone or in combination.

Applicant's invention as recited in independent claim 1 is directed toward a system for providing traffic information for planning a trip. For example, independent claim 1 specifies that the system comprises cellular telephones, a base station and a processing station. Claim 1 further specifies that the base station creates tracking information pertaining to the amount of cellular telephones located in the zone of communication regardless of the cellular telephone status and the processing station determines traffic volume by analyzing this tracking information. (See Page 3, lines 3-12; page 6, lines 8-9 and 23-25; and page 8, line 24 to page 9, line 1)

Claims 9 and 17 contain similar limitations

Yoshikawa and Le do not disclose either a base station that creates tracking information pertaining to the amount of cellular telephones located in the zone of communication regardless of the cellular telephone status or a processing station that determines traffic volume based on this tracking information.

Yoshikawa discloses a traffic information retrieval method that has a server which stores user data about users who receive traffic information by means of a device. (See Paragraph 47). Yoshikawa, however, does not teach or suggest storing data about devices that do not require traffic information. Therefore, if Yoshikawa tried to determine traffic congestion based on its stored data, the number of devices in the field would only include the user's using the retrieval system. This, in turn, would not provide a user with accurate information regarding traffic congestion.

Le does not disclose using any type of cell phone for obtaining traffic information.

Since Yoshikawa and Le do not disclose either a base station that creates tracking information pertaining to the amount of cellular telephones located in the zone of communication regardless of the cellular telephone status or a processing station that determines traffic volume based on this tracking information, Applicant believes that independent claim 17 is patentable over Yoshikawa and Le – taken alone or in combination – on at least this basis.

Claims 2-8 depend on claim 1. Since claim 1 is believed to be patentable over Yoshikawa and Le, claims 2-8 are believed to be patentable over Yoshikawa and Le on the basis of their dependency on claim 1.

Claims 10-16 depend on claim 9. Since claim 9 is believed to be patentable over Yoshikawa and Le, claims 10-16 are believed to be patentable over Yoshikawa and Le on the basis of their dependency on claim 9.

Claims 18-20 depend on claim 17. Since claim 17 is believed to be patentable over Yoshikawa and Le, claims 18-20 are believed to be patentable over Yoshikawa and Le on the basis of their dependency on claim 17.

CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,



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